IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23203 of 2004

Between:

Smt. Patti Subbamma, W/o. Venkateswarlu,
APSRTC, Bus Stand, Kota, Kota Mandal, Nellore District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nellore Region, Nellore.
2 The Depot Manager, APSRTC, Depot Vakadu, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in giving the Tender Notification vide No. 02/122(133)/2004 R.M.(N), dt. 29-11-2004, calling the tenders to maintain Sweeping, cleaning and watering the Plants) the APSRTC Bus Stations in the Nellore Region along with the APSRTC, Bus Station, Kota, where the petitioner is continuing since 1-12-1994 as contract Labour, neglecting the petitioner's claim for extension as illegal, arbitrary, unjust and against the principles of natural justice, consequently directing the respondents to extend the contract period and continue the petitioner as contract labour in APSRTC in the Bus Station.

Counsel for the Petitioner:MR.G.JAGADEESWAR

Counsel for the Respondent Nos.1 & 2: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed declaring the action of the 1st respondent in giving tender notification vide No.02/122(133)/2004 R.M.(N) dated 29.11.2004 for maintain sweeping, cleaning and watering the plants in the APSRTC Bus stations in the Nellore region along with Kota bus station as illegal and arbitrary.

The grievance of the petitioner is that she is appointed as a sweeper in the second respondent corporation in the year1994 and she has been continuously working in the same post. Now the respondents are trying to give sweeping work to the contractors depriving the livelihood of the petitioner. Hence, the writ petition.

The learned counsel appearing for the petitioner contended that the contract services of the petitioner should be continued since the petitioner has been working in the same post since 1.12.1994.

On the other hand, the learned Standing Counsel appearing for the respondents contended that in view of the policy decision taken to entrust the said work to the contractor by calling for tenders, the petitioner cannot have any right as the contract period of the petitioner was expired by 30.11.2004. She is being continued till the regular contractor deputes his own staff for cleaning purpose.

The petitioner has no right to question the tender notification dated 29.11.2004 unless it is mala fide or arbitrary. In pursuance of the policy decision taken by the respondent-Corporation, a tender notification has been called for the purpose of cleaning the bus station in the Nellore region. So, the tender notification issued by the respondent-Corporation cannot be challenged in view of the fact that no arbitrariness or malafides are attributed to the respondent-Corporation. It is not the case of the petitioner that for the purpose of denial of her right, the tender notification has been issued. In pursuance of the scheme, tender notifications have been issued by the respondent-Corporation in all the bus stations in the Nellore region. Therefore, the petitioner does not have any right to challenge the same.

Hence, the writ petition is dismissed at the stage of admission. It seems the petitioner made application to the respondent-Corporation. If that is so, the same shall have to be considered in accordance with law.

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15.12.2004

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To

1 The Regional Manager, APSRTC, Nellore Region, Nellore.
2 The Depot Manager, APSRTC, Depot Vakadu, Nellore District.

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